

United States District Court **RECEIVED**

SOUTHERN

DISTRICT OF

IOWA

UNITED STATES OF AMERICA

v.

DAVID ROBERT MCMENEMY

SEP 22 2006
CLEK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CRIMINAL COMPLAINT

CASE NUMBER: 3-06-mj-554

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 11, 2006 in Scott County, in the Southern District of Iowa and elsewhere, the defendant did,

commit arson against a business affecting interstate commerce

in violation of Title 18 United States Code, Section(s) 844(i). I further state that I am a(n) Special Agent of Alcohol, Tobacco, Firearms, and Explosives and that this Complaint is based on the following facts:

See Affidavit attached and incorporated hereto.

Continued on the attached sheet and made a part hereof: Yes No



Jason N. Pessman, Special Agent
Alcohol, Tobacco, Firearms, and Explosives

Sworn to before me and subscribed in my presence,

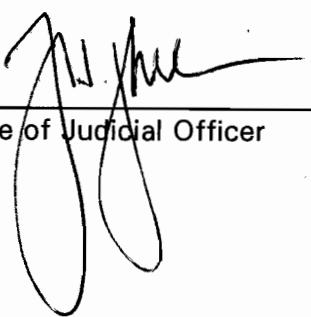
September 22, 2006

Date

at Davenport, Iowa

City and State

Thomas J. Shields
Chief U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Jason Pessman, being duly sworn state and depose as follows:

I am a Special Agent with the Bureau of Alcohol, Tobacco, and Firearms (ATF), and have been continuously so employed since July of 2000. Affiant is aware of the information set forth below through personal investigation, interviews, and discussions with other law enforcement officers.

1. On September 11, 2006 at approximately 4:31 a.m., members of the Davenport Police and Fire Department were dispatched to 1510 East Rusholme Street, Davenport, Iowa reference a structure fire. This is the address and location for the Edgerton Women's Health Center.
2. Responding firefighters and police officers did locate a silver colored Saturn automobile bearing Michigan registration ZHS-956 which had driven through two sets of front doors for the building. The vehicle had driven into the interior of the first floor of the building and was on fire.
3. As firefighters were extinguishing the fire, an individual approached a medic at the scene. This person confessed to setting the fire. The medic directed the person to a firefighter. The firefighter in turn directed the person to a police officer.
4. The person confessed he had driven the car through the front of the building and started the fire. This person was identified as David Robert MCMENEMY, W/M, DOB: 01-26-1961 from Michigan.
5. MCMENEMY was transported to the Davenport Police Department where he gave a post Miranda statement to investigators. In the statement MCMENEMY related the following: MCMENEMY drove his personal car, a 2004 Saturn, thru the doors of the

clinic. He then poured gasoline out inside the interior of the car. MCMENEMY then lit the gasoline with a purple cigarette lighter and exited the building. During the process of lighting the fire, MCMENEMY lost his eyeglasses. MCMENEMY then waited near the building until surrendering himself to the first responders. MCMENEMY chose the Edgerton Women's Health Center because he thought it was an abortion clinic. MCMENEMY hoped his actions would stop or disrupt the activities and save some lives.

6. Investigators did recover a purple cigarette lighter and eyeglasses from the vicinity of MCMENEMY'S car. The vehicle is registered to David MCMENEMY.
7. MCMENEMY was placed under arrest for Arson Second Degree. MCMENEMY was then transported to the Scott County Jail.
8. On September 19, 2006, your affiant was able to speak with Tom Fedje who is the Director of Edgerton's Woman's Health Facility. Fedje provided the following details to your affiant in regards to interstate commerce involving the Edgerton Women's Health Center:
 - a. Approximately twenty-five percent of the employees at the Edgerton facility live in Illinois and work at the facility in Davenport, Iowa.
 - b. There are Illinois residents who travel to the Edgerton facility in Davenport, Iowa for care.
 - c. Some of the equipment and supplies (exam tables, ultrasound equipment, medical supplies, etc.) used at the Edgerton facility are purchased through catalogs and shipped to the facility from outside of the state of Iowa.

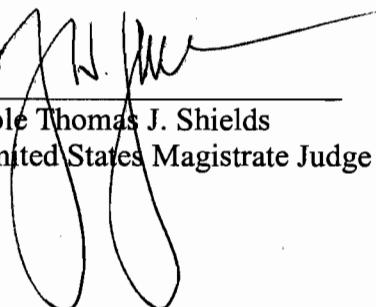
d. The building housing the Edgerton Women's Health Care Facility is owned by Genesis Health Systems. The building was built and opened by Genesis in 2003. Edgerton has been leasing the facility since that time.

9. Based on all of the foregoing, Affiant has probable cause to believe that David Robert MCMENEMY committed arson against a business affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i). These violations having occurred within Davenport, Iowa, which is within the Southern District of Iowa.



Jason N. Pessman
Special Agent
Alcohol, Tobacco, Firearms, and Explosives

Subscribed and sworn before me
This 22nd day of September, 2006.



Honorable Thomas J. Shields
Chief United States Magistrate Judge